

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

CYNTHIA MORGAN

Plaintiff,

v.

CPB FOODS, LLC.
d/b/a Golden Corral

Defendant.

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CASE NO. _____
JURY DEMANDED

COMPLAINT

COMES THE PLAINTIFF, CYNTHIA MORGAN, filing this Complaint against CPB FOODS, LLC, d/b/a Golden Corral. She shows:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff, CYNTHIA MORGAN, is a citizen and resident of Catoosa County, Georgia.

2. Defendant, CPB FOODS, LLC, is a foreign corporation (Kentucky) operating in Hamilton County, Tennessee where it employed the Plaintiff at 1808 Gun Barrel Road, Chattanooga, TN 37421.

3. This Court has subject matter jurisdiction under 28 U.S.C. §1332

(diversity of citizenship) because the parties are “citizens” of different states and the amount in controversy exceeds \$75,000.

4. Venue in this Eastern District of Tennessee is proper pursuant to 28 U.S.C. §1391, because the Defendant was either doing business in this district or resides in this district, and a substantial part of the events or omissions giving rise to this action occurred in this district.

FACTUAL BASES FOR SUIT

5. Cynthia Morgan is over the age of sixty.

6. Morgan was employed by Defendant, and its predecessors, for approximately 11 years. She worked as a server and as a crew leader over the servers.

7. In approximately February or March of 2013, Morgan learned Defendant promoted a substantially younger person in her twenties, Elizabeth “Libby” Webster, to the position of a crew leader over servers. Webster had little experience.

8. In approximately April of 2013, Webster informed Morgan that she, Webster, was being paid \$3.50 per hour for her crew leader work. Plaintiff, by contrast, was being paid \$2.13 per hour for her crew leader work. Plaintiff also learned that Webster was receiving significant overtime pay (hours over 40) that she was not actually having to work.

9. Morgan reported to the assistant and floor manager that Webster was being paid unequally to Plaintiff (who was receiving \$2.15 per hour). Additionally, Morgan reported that Webster, with the approval of the General Manager, was writing down and receiving pay for overtime hours for personal time, not hours actually worked. As a result, Plaintiff reported her good faith belief that “illegal activity” was occurring, i.e. that wage theft was occurring at the store, approved by the General Manager.

10. Shortly thereafter, Plaintiff's own hours were trimmed.

11. Then, on or about June 12, 2013, Defendant terminated Plaintiff's employment altogether.

12. Plaintiff attempted to speak to the General Manager on June 15, 2013 about the termination. The General Manager, who was complicit in the illegal activity, told Plaintiff he had “complaints” on her and that she was an “old bitch” anyway.

13. Plaintiff is a hard worker who is considerably older than many of her peers. Thus, the termination of her employment has worked a significant hardship upon her in terms of lost wages and obtaining comparable work. It has also harmed her in terms of experiencing humiliation and embarrassment and distress. She seeks her wage loss (back pay and/or front pay) along with compensatory damages. She also seeks her attorneys fees

and costs.

CAUSES OF ACTION

14. Plaintiff brings the following causes of action against Defendant:

A. Tennessee Public Protection Act, §50-1-304 et. seq. for refusing to remain silent about illegal activity (age discrimination and theft of company time and money);

B. Tennessee Human Rights Act, §4-21-101 et. seq. for age discrimination; and

C. Retaliation Under the THRA.

15. Plaintiff demands a jury.

WHEREFORE, PREMISES CONSIDERED, PLAINTIFF requests Defendant Answer this Complaint, that Plaintiff be awarded all compensatory damages available, any other equitable relief, wage and benefit losses, attorneys fees, costs, prejudgment interest and post-judgment interest, and any further relief at either law or equity to which he may be entitled.

Respectfully submitted,

GILBERT RUSSELL McWHERTER PLC

/s Justin S. Gilbert
Justin S. Gilbert (TN Bar No. 017079)
633 Chestnut Street, Suite 600
Chattanooga, TN 37450
Telephone: 423-499-3044
Facsimile: 731-664-1540
igilbert@gilbertfirm.com

Jessica F. Salonus (TN Bar No. 28158)
101 North Highland
Jackson, TN 38301
Telephone: 731-664-1340
Facsimile: 731-664-1540
jsalonus@gilbertfirm.com

ATTORNEYS FOR PLAINTIFF